

ESTTA Tracking number: **ESTTA494089**

Filing date: **09/12/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	Loris Azzaro BV
Granted to Date of previous extension	09/19/2012
Address	Laan van Westenenk, 64 NL-7336 AZ Apeldoorn, NETHERLANDS
Domestic Representative	Mary Catherine Merz Merz & Associates, P.C. 1010 Lake Street Suite 400 Oak Park, IL 60301-1135 UNITED STATES mmerz@merz-law.com, docket@merz-law.com Phone:708-383-8801

### Applicant Information

Application No	85499234	Publication date	05/22/2012
Opposition Filing Date	09/12/2012	Opposition Period Ends	09/19/2012
Applicant	Ravo, Aaron P.O. Box 1392 Calabasas, CA 91372 UNITED STATES		

### Goods/Services Affected by Opposition


Class 003.

All goods and services in the class are opposed, namely: After shave lotions; Aftershave cologne; Bath lotion; Bath soaps; Beauty creams; Beauty lotions; Blush; Body cream; Body deodorants; Body lotion; Colognes, perfumes and cosmetics; Compacts containing make-up; Cosmetic creams; Cosmetic preparations, namely, firming lotions; Cosmetic soaps; Cosmetic suntan lotions; Cosmetics and make-up; Cosmetics in general, including perfumes; Deodorant for personal use; Eye make-up; Eye pencils; Eye shadow; Face and body creams; Face and body glitter; Face and body lotions; Face creams; Face creams for cosmetic use; Face glitter; Facial make-up; Foundation make-up; Foundations; Hair balsam; Hair care lotions; Hair color; Hair dye; Hair gel and hair mousse; Hair removing cream; Hair shampoos and conditioners; Hair sprays and hair gels; Hand soaps; Lip balm; Lip gloss; Lip liner; Lipstick; Lotions for face and body care; Make-up; Make-up foundations; Make-up pencils; Make-up powder; Mascara; Nail polish; Nail polish remover; Nail stencils; Scented body lotions and creams; Shaving cream; Shaving lotions; Skin lotion; Soaps for body care; Sun tan lotion; Sun-block lotions

### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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## Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2207938	Application Date	08/26/1996
Registration Date	12/08/1998	Foreign Priority Date	NONE
Word Mark	CHROME AZZARO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: [ perfume, perfume water;] toilet water; [cologne;] personal deodorants; [perfumed talcum powder;] perfumed skin care creams; body lotions, milks and gels; [ toilet soaps; essential oils for personal use; hair lotions; non-medicated bath products, namely, bath oil, bath foam and bath salt]		

U.S. Registration No.	3133216	Application Date	09/28/2004
Registration Date	08/22/2006	Foreign Priority Date	04/14/2004
Word Mark	CHROME LEGEND		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: perfume, toilet water, eau-de-cologne, after shave lotion, non-medicated products for baths, namely bath foam, bath gel, bath oil, deodorants for personal use, perfumed soaps, perfumed talcum powder, scented cosmetic creams for face and body, cosmetic milks for face and body, non-medicated lotions and gels for skin care, essential oils for personal use; cosmetics; hair lotions		

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## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Mary Catherine Merz/
Name	Mary Catherine Merz
Date	09/12/2012

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of U.S. Application Serial No. 85/499,234  
For: CHROME GIRL  
Filed: December 19, 2011  
Date of Publication: May 22, 2012

LORIS AZZARO B.V.	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No. _____
	)	
AARON RAVO, Individual	)	
	)	
Applicant.	)	

**NOTICE OF OPPOSITION**

In the matter of U.S. Trademark Application Serial No. 85/499,234 ("Serial No. 85/499,234") for the mark CHROME GIRL in International Class 3, filed in the name of Aaron Ravo ("Applicant"), which was published for opposition in the Official Gazette of May 22, 2012, Loris Azzaro B.V. ("Azzaro"), a corporation organized under the laws of the Netherlands with its principal place of business at Laan van Westenenk, 64 NL-7336 AZ, Apeldoorn, the Netherlands believes it will be damaged by the registration of the mark in Serial No. 85/499,234 and

hereby opposes the same, in accordance with Section 13 of The Trademark (Lanham) Act of 1946, 15 U.S.C. §1063.

As grounds for the opposition, Azzaro alleges as follows:

1. Upon information and belief, Applicant is an individual living in California with an address of P.O. Box 1392, Calabasas, California 91372.

2. As evidenced by the publication of Serial No. 85/499,234 in the Official Gazette of May 22, 2012, Applicant seeks to register CHROME GIRL ("Applicant's mark") in connection with "After shave lotions; Aftershave cologne; Bath lotion; Bath soaps; Beauty creams; Beauty lotions; Blush; Body cream; Body deodorants; Body lotion; Colognes, perfumes and cosmetics; Compacts containing make-up; Cosmetic creams; Cosmetic preparations, namely, firming lotions; Cosmetic soaps; Cosmetic suntan lotions; Cosmetics and make-up; Cosmetics in general, including perfumes; Deodorant for personal use; Eye make-up; Eye pencils; Eye shadow; Face and body creams; Face and body glitter; Face and body lotions; Face creams; Face creams for cosmetic use; Face glitter; Facial make-up; Foundation make-up; Foundations; Hair balsam; Hair care lotions; Hair color; Hair dye; Hair gel and hair mousse; Hair removing cream; Hair shampoos and conditioners; Hair sprays and hair gels; Hand soaps; Lip balm; Lip gloss; Lip liner; Lipstick; Lotions for

face and body care; Make-up; Make-up foundations; Make-up pencils; Make-up powder; Mascara; Nail polish; Nail polish remover; Nail stencils; Scented body lotions and creams; Shaving cream; Shaving lotions; Skin lotion; Soaps for body care; Sun tan lotion; Sun-block lotions" in International Class 3.

3. Upon information and belief, Applicant filed Serial No. 85/499,234 on December 19, 2011 under Section 1(b) of the Trademark Act, 15 U.S.C. §1051(b), based on an intent to use Applicant's mark in connection with the claimed goods in the application.

4. Upon information and belief, Applicant has not yet begun using Applicant's mark in commerce.

5. For at least 13 years prior to Applicant's filing date for Serial No. 85/499,234, Azzaro adopted and continuously has used the mark CHROME AZZARO in connection with its goods in the United States. For at least five years prior to Applicant's filing date for Serial No. 85/499,234, Azzaro adopted and continuously has used the mark CHROME LEGEND in connection with its goods in the United States.

6. Azzaro is the owner of the following U.S. Trademark Registrations:

Registration No. 2207938 for the mark CHROME AZZARO for "toilet water; personal deodorants; perfumed skin care creams; body lotions, milks and gels" in International Class 3; and

Registration No. 3133216 for the mark CHROME LEGEND for "perfume, toilet water, eau-de-cologne, after shave lotion, non-medicated products for baths, namely bath foam, bath gel, bath oil, deodorants for personal use, perfumed soaps, perfumed talcum powder, scented cosmetic creams for face and body, cosmetic milks for face and body, non-medicated lotions and gels for skin care, essential oils for personal use; cosmetics; hair lotions" in International Class 3.

7. These registrations are valid, subsisting, uncanceled and are evidence of Azzaro's exclusive right to use CHROME AZZARO and CHROME LEGEND in commerce in connection with the goods specified in the registrations.

8. Azzaro's use of its CHROME AZZARO and CHROME LEGEND marks has not been abandoned. Azzaro has sold its CHROME AZZARO and CHROME LEGEND branded goods through retailers, including online retailers, throughout the United States, and its goods are associated with the CHROME AZZARO and CHROME LEGEND trademarks among customers and the relevant trade.

9. In addition to its registered trademark rights, Azzaro owns non-registered statutory and common law rights in and to its CHROME AZZARO and CHROME LEGEND trademarks in the United States.

10. Applicant has no license, consent or permission from Azzaro to use or register CHROME GIRL.

11. Applicant's proposed mark CHROME GIRL so resembles Azzaro's CHROME AZZARO and CHROME LEGEND marks that it is likely

to cause confusion, or to cause mistake or to deceive within the meaning of Section 2(d) of The Trademark (Lanham) Act of 1946, 15 U.S.C. § 1052(d); and more particularly, Applicant's mark and use thereof are likely to cause confusion, or to cause mistake , or to deceive such that the trade and purchasing public believe that the goods in Serial No. 85/499,234 originate with, or otherwise are authorized, licensed or sponsored by, Azzaro.

12. By reason of all the foregoing, Azzaro will be gravely damaged by the registration of Applicant's CHROME GIRL mark for the goods in Serial No. 85/499,234, because registration of that mark would be in violation of Azzaro's trademark rights.

WHEREFORE, Azzaro prays that this Notice of Opposition be sustained in favor of Azzaro and that Serial No. 85/499,234 be



denied registration. Azzaro submits herewith its payment of the \$300 filing fee, as required by 37 C.F.R. §2.6(a)(17).

Respectfully submitted,

LORIS AZZARO B.V.



Date: September 12, 2012

Mary Catherine Merz  
Jennifer A. Widmer  
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1010 Lake Street, Suite 400  
Oak Park, Illinois 60301

(708) 383-8801 (phone)  
(708) 383-8897 (fax)

Attorneys for Opposer

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served on Applicant by First Class Mail this 12<sup>th</sup>, day of September, 2012 addressed to:

Arthur Aaronson  
Aaronson & Aaronson  
16133 Ventura Blvd., Suite 675  
Encino, California 91436-2436



By: \_\_\_\_\_

Mary Catherine Merz